

# NOTICE OF VIOLATION

29019

**ODNR**  
OHIO DEPARTMENT  
OF  
NATURAL  
RESOURCES

DIVISION OF MINERAL  
RESOURCES MANAGEMENT  
2050 EAST WHEELING AVE.  
CAMBRIDGE, OH, 43725

TO: AMERICAN ENERGY CORPORATION PERMIT NO: D-1159  
ADDRESS: 43521 MAYHUGH ROAD DISCOVERY DATE: 3-15, 2010  
BEALLSVILLE, OHIO 43716

## APPLICABLE STATUTE AND/OR RULE:

O.R.C. 1513.02 (D) (2)

O.A.C. 1501:13-9-04

## DESCRIPTION OF VIOLATION:

OPERATOR HAS FAILED TO MAINTAIN THE  
S.A.D.E. AREA.

## (A) REMEDIAL ACTION & ABATEMENT TIME:

REPAIR THE EROSION AND INSTALL AND MAINTAIN  
A SILT FENCE TO CONTROL ALL THE SEDIMENT.  
TIME: 5:00 a.m. ☐ / p.m. ☒ DATE: 4-30, 2010

## (B) REMEDIAL ACTION & ABATEMENT TIME:

TIME: \_\_\_\_\_ a.m. ☐ / p.m. ☐ DATE: \_\_\_\_\_, 20\_\_\_\_

SERVED TO: [Signature] BY: [Signature] TIME: 5:50 a.m. ☐ / p.m. ☒ DATE: 3-31, 2010  
Authorized Representative

EXTENDED TO: \_\_\_\_\_ a.m. ☐ / p.m. ☐ \_\_\_\_\_, 20\_\_\_\_ EXTENDED TO: \_\_\_\_\_ a.m. ☐ / p.m. ☐ \_\_\_\_\_, 20\_\_\_\_

Served to: \_\_\_\_\_ Date: \_\_\_\_\_ Served to: \_\_\_\_\_ Date: \_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_ Date: \_\_\_\_\_

EXTENDED TO: \_\_\_\_\_ a.m. ☐ / p.m. ☐ \_\_\_\_\_, 20\_\_\_\_ EXTENDED TO: \_\_\_\_\_ a.m. ☐ / p.m. ☐ \_\_\_\_\_, 20\_\_\_\_

Served to: \_\_\_\_\_ Date: \_\_\_\_\_ Served to: \_\_\_\_\_ Date: \_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_ Date: \_\_\_\_\_

MODIFIED: \_\_\_\_\_, 20\_\_\_\_ To: \_\_\_\_\_ By: \_\_\_\_\_

NON-COMPLIANCE: \_\_\_\_\_ a.m. ☐ / p.m. ☐ \_\_\_\_\_, 20\_\_\_\_ To: \_\_\_\_\_ By: \_\_\_\_\_

Cessation Order Issued? ☐ yes ☐ no If no, explain

VACATED: \_\_\_\_\_, 20\_\_\_\_ To: \_\_\_\_\_ By: \_\_\_\_\_

TERMINATED: \_\_\_\_\_ a.m. ☐ / p.m. ☐ \_\_\_\_\_, 20\_\_\_\_ To: \_\_\_\_\_ By: \_\_\_\_\_

## **CIVIL PENALTY ASSESSMENTS**

This Notice of Violation may result in a *civil penalty assessment of up to \$5,000.00 per day*. Each day of continuing violation may be deemed a separate violation for purposes of penalty assessments.

### **FAILURE TO COMPLY**

Failure to comply with *any* remedial action required by this Notice of Violation, within the prescribed abatement time, may result in *CESSATION OF MINING* and a civil penalty assessment of at least *\$750.00 PER DAY*, for each day the violation continues.

### **INSTRUCTIONS FOR FILING YOUR NOTICE OF APPEAL**

*To initiate an appeal to the Reclamation Commission, you must have an interest which is, or may be, adversely affected by a decision of the Division Chief. You may appeal the Chief's decision by filing a notice of appeal with the Reclamation Commission.*

*At a minimum, your notice of appeal to the Reclamation Commission must:*

- Be filed within 30 days of your receipt of the Chief's decision;*
- Include a statement of the grounds upon which your appeal is based;*
- Have attached to it a copy of the Chief's decision being appealed; and*
- If the appeal is from a civil penalty, include a check in the amount of the penalty.*

*Your notice of appeal may include a request that the Commission members view the site in question. Temporary Relief may also be requested; this will allow for an expedited hearing in some cases.*

*Your notice of appeal must be directed to the Reclamation Commission at the following address:*

*Reclamation Commission  
2045 Morse Rd.  
Building F-2  
Columbus, OH 43229-6693*

*Also, a copy of your notice of appeal, including the attached copy of the Chief's decision, must be sent to the Division Chief within three (3) days after filing the notice of appeal with the Commission at:*

*Chief, Division of Mineral Resources Management  
2045 Morse Rd.  
Building H-3  
Columbus, OH 43229-6693*

**FAILURE TO COMPLY WITH ANY OF THESE REQUIREMENTS WILL RESULT IN A DISMISSAL OF YOUR APPEAL WITHOUT A HEARING.**